

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

United States of America,
Plaintiff,
V.
Two Rural Lots, etc.,
Defendants.

CASE NUMBER: 98-1813 (HL)

MOTION

Date Filed: 4/28/00 Docket #20 ☐ Plffs ☒ Defts
Title: Mocion Solicitando Vista por Violacion a Los Derecho Civiles
Opp'n Filed: Docket #

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

Denied. Claimant Victor Manuel Valle Lasalle again seems to argue that he did not receive notice of the civil proceedings against the Defendant properties in this case. He further invites the Court to have Plaintiff United States of America show the Court the documents proving that Claimant was served. The Court need not do this, as the record contains the various returns of service filed in this case. These returns of service constitute valid prima facie evidence of proper service of process and can only be rebutted by strong and convincing evidence. See 4A Charles Alan Wright and Arthur R. Miller, Federal Practice and Procedure § 1130 (1987 & Supp. 2000); *Gottlieb v. Sandia Am. Corp.*, 452 F.2d 510 (3rd Cir. 1971), *cert. denied* 404 U.S. 938; *Hicklin v. Edwards*, 226 F.2d 410 (8th Cir. 1955); *Howard Johnson Int'l, Inc. v. Wang*, 7 F.Supp.2d 336 (S.D.N.Y. 1998), *aff'd* 181 F.3d 82 (2nd Cir. 1999); *Greater St. Louis Constr. Laborers Welfare Fund v. Little*, 182 F.R.D. 592 (E.D.Mo. 1998); *Trustees of Local Union 727 Pension Fund v. Perfect Parking, Inc.*, 126 F.R.D. 48 (N.D.Ill. 1989); *Hill v. Sands*, 403 F.Supp. 1368 (N.D.Ill. 1975); *Republic Productions, Inc. v. American Fed'n of Musicians of U.S. & Canada*, 173 F.Supp. 330 (S.D.N.Y. 1959); *Halpert v. Appleby*, 23 F.R.D. 5 (S.D.N.Y. 1958). Claimant has presented no evidence to contradict the signed returns of service on record in this case.

Date 5/4/01


HECTOR M. LAFFITTE
Chief U.S. District Judge

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